

10-8-41.5 Regulation of sexually oriented business.

(1) As used in this section:

- (a) "Adult service" means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening, or other performances or activities conducted by a nude or partially denuded individual for compensation.
- (b) "Compensation" means:
 - (i) a salary;
 - (ii) a fee;
 - (iii) a commission;
 - (iv) employment;
 - (v) a profit; or
 - (vi) other pecuniary gain.
- (c)
 - (i) "Escort" means a person who, for compensation, dates, socializes with, visits, consorts with, or accompanies another, or offers to date, consort with, socialize with, visit, or accompany another:
 - (A) to a social affair, entertainment, or a place of amusement; or
 - (B) within:
 - (I) a place of public or private resort;
 - (II) a business or commercial establishment; or
 - (III) a private quarter.
 - (ii) "Escort" does not mean a person who provides business or personal services, including:
 - (A) a licensed private nurse;
 - (B) an aide for the elderly or a person with a disability;
 - (C) a social secretary or similar service personnel:
 - (I) whose relationship with a patron is characterized by a contractual relationship having a duration of 12 hours or more; and
 - (II) who provides a service not principally characterized as dating or socializing; or
 - (D) a person who provides services such as singing telegrams, birthday greetings, or similar activities:
 - (I) characterized by an appearance in a public place;
 - (II) contracted for by a party other than the person for whom the service is being performed; and
 - (III) of a duration not to exceed one hour.
- (d) "Escort service" means any person who furnishes or arranges for an escort to accompany another individual for compensation.
- (e) "Nude or partially denuded individual" means an individual with any of the following less than completely and opaquely covered:
 - (i) genitals;
 - (ii) the pubic region; or
 - (iii) a female breast below a point immediately above the top of the areola.
- (f)
 - (i) "Sexually oriented business" means a business at which any nude or partially denuded individual, regardless of whether the nude or partially denuded individual is an employee of the sexually oriented business or an independent contractor, performs any service for compensation.
 - (ii) "Sexually oriented business" includes:
 - (A) an escort service; or

- (B) an adult service.
- (2) A person employed in a sexually oriented business may not work in a municipality:
 - (a) if the municipality requires that a person employed in a sexually oriented business be licensed individually; and
 - (b) if the person is not licensed by the municipality.
- (3) A business entity that conducts a sexually oriented business may not conduct business in a municipality:
 - (a) if the municipality requires that a sexually oriented business be licensed; and
 - (b) if the business entity is not licensed by the municipality.

Enacted by Chapter 398, 2010 General Session